



AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

George Floyd Pittsburgh Protestors
River Silverette & Frederick Banks
Laura Michelle Schlemmer

Petitioner(s)

v.

Case No. 2:20-cv-05153-VAP(DFM)
(Supplied by Clerk of Court)

CLASS ACTION

Pittsburgh Bureau of Police
Allegheny County, Central Intelligence
Agency, Orlando Harper, Warden, Allegheny
County Jail
Respondent PA Dept of Corrections
(name of warden or authorized person having custody of petitioner)
Governor Tom Wolf

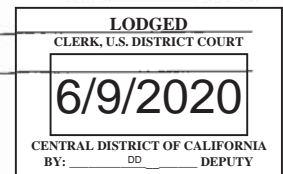
PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: River Silverette / Frederick Banks
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Allegheny County Jail
(b) Address: 950 2nd Ave
Pittsburgh, PA 15219
(c) Your identification number: 120759
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): post trial

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)



- ☐ Pretrial detention
☐ Immigration detention
☒ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☒ Other (explain): The Decision of Respondents to Lock down the prison and deny inmates the right to vote

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Allegheny County Jail
 (b) Docket number, case number, or opinion number: _____
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
challenging the decision of the Allegheny County Jail to lock down the prison because of the nationwide George Floyd police brutality protests and deny inmates the right to vote
 (d) Date of the decision or action: 5/30/20

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☒ Yes ☐ No All available remedies have been exhausted

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Allegheny County Jail
 (2) Date of filing: 5/30/20
 (3) Docket number, case number, or opinion number: unknown
 (4) Result: Denied as invalid
 (5) Date of result: 5/30/20
 (6) Issues raised: challenging the decision of the Allegheny County Jail and respondents to lock down the prison because of the nationwide pittsburgh George Floyd police brutality protests and deny inmates the right to vote.

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- ☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

*None Answered***9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: it did not appear proper to challenge since I had already

specifically retained before sentence is imposed.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Respondents denied petitioner the Right to Vote in the upcoming election in violation of the First Amendment and Due Process

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner wrote to the local Election office and received an Application for a Mail in ballot. The ballot was sent by Allegheny County's Election office to him but the Respondents held on to it and never provided it to petitioner when denied from the Right to Vote in Tuesday's election in violation of the First Amendment and Due Process

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Respondents locked down the jail in a defective lockdown because they stated the violence at downtown area pittsburgh's George Floyd police brutality protests in violation of the process & Equal Protection

(a) Supporting facts (Be brief. Do not cite cases or law.):

To silence petitioner from voting Respondents locked down the jail in a defective lockdown. Not all inmates were locked down only those who sought to vote in Tuesday's election and who were arrested in George Floyd police brutality protests in violation of Due Process & Equal Protection and the first Amendment. The real reason for the lockdown was Respondents were denying petitioner the right to vote in Tuesday's election by the bogus lockdown.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

The Central Intelligence Agency illegally placed petitioner under FISA electronic surveillance to control and manipulate the denial of the right to vote and right to access the Law Library Council and to Assemble. It was really the CIA along remote

(a) Supporting facts (Be brief. Do not cite cases or law.): Satellite Technology controlling the police that killed George Floyd & caused the protests!!!

Staff at the prison sought to intimidate petitioner by slamming his Food Tray Trup open each time they opened it so that it banged & bounced three times. This was not done to other inmates. Further Food Service placed a toe nail in petitioner's vegetables which he choked on.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

The CIA illegally placed Laura Schlemmer under FISA electronic surveillance and imprisoned her on false charges they created in violation of the 8th Amendment.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The CIA illegally placed Laura Schlemmer, a PA State inmate, under FISA electronic surveillance and imprisoned her on false charges they created in violation of the 8th Amendment. See Foggy v US Govt, (DC Idaho 2007) The CIA placed "voices" inside Schlemmer's head which told her to commit two murders of her own children. She received 30-40 years. See Cannon v Schlemmer (Alleging CP of common pleas) The Court should ask the Governor Tom Walt of PA to pardon her.

(b) Did you present Ground Four in all appeals that were available to you? and commute the sentence

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Discharge petitioners from custody, sanction respondents for violating petitioners right to Vote and Right to counsel and to Assemble for protests. order the FISA orders, authorizations & approvals deleted along with all other requested or warranted relief, certify the (detention) & (classification) and appoint class counsel to represent the class.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

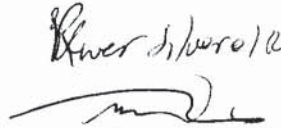
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

5/30/20

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 5/30/20



Signature of Petitioner

Signature of Attorney or other authorized person, if any


Motion to Proceed In Forma Pauperis

Petitioners move to proceed In Forma Pauperis & state:

1. They are unemployed
2. Have no income
3. Have no assets except unknown amount of stocks
4. Have no dependents

Therefore the motion should be granted.

Date: 5/30/20



Signature
James Silvestre
Signature

